

Jeff Joseph
Berry, Appleman & Leiden, LLP
1900 Wazee Street, Suite 303
Denver, CO 80202
(720) 273-4647
Jjoseph@bal.com

UNITED STATES DISTRICT COURT

For the
District of Guam

Guam Contractors Association, *et al.*

Plaintiffs,

v.

Merrick Garland, Attorney General of the
United States, *et al.*,

Defendants

CASE NO. 16-cv-00075

MOTION FOR VOLUNTARY
DISMISSAL OF CASE PURSUANT TO
FED. R. CIV. P. 23(e)

Plaintiffs' Motion for Voluntary Dismissal

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

20 The exemption does not apply to other industries that rely on the H2B program such as
21 hospitality, landscaping, education, and other industries. Those employers would still be required
22 to prove temporary need in order to pursue H2B visas.

23

24 Through extended settlement discussions, *see* ECF 161 through 180, the parties have
25 agreed that the majority of Plaintiffs' claims are now moot as a result of these new laws and
26 policies. Plaintiffs' counsel identified the following Plaintiff class members whose claims may
27 not have been rendered moot and who did not individually request dismissal from the suit:

Case 1:16-cv-00075 Document 182 Filed 05/13/22 Page 2 of 5

- Mariana Linen and Supply
- Guam Tropical Dive Station
- Guam Radiology Consultants
- Zeniada Zantua Fresh Bread

Although they did not request dismissal, Plaintiffs' counsel contacted these remaining Plaintiffs by email, and none of the Plaintiffs was interested in continuing with the litigation and want to dismiss the suit.

Therefore, based on the remaining Plaintiffs' desire to dismiss the lawsuit, and pursuant to Fed. R. Civ. P. 23(e)(2), Plaintiffs hereby request this Court to GRANT Plaintiffs' Motion for Voluntary Dismissal. The Parties agree that each side shall bear its own attorneys' fees, expenses, and costs.

Respectfully submitted this 12th day of May, 2022.

/s/ Jeff Joseph

Jeff Joseph
Berry, Appleman & Leiden, LLP
1900 Wazee Street, Suite 303
Denver, CO 80202
(720) 273-4647
Jjoseph@bal.com

Jennifer C. Davis
Davis & Davis, P.C.
P.O. Box 326686
Hagatna, Guam 96932
Phone: (671) 649-1997
Fax: (671) 649-1995
atty@davisdavis-law.com

Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiffs' Motion for Voluntary Dismissal

